

### **DETAILED ACTION**

1. This office action is in response to applicant's communication of December 15, 2010. Amendments to claims 1, 17 and 32 have been entered. Claims 1-2, 4-5, 17-18, 20-21 and 32 are pending and have been examined. The rejections and response to arguments are stated below.

#### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 4-5, 17-18, 20-21 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17 and 32 recite the limitations "establishing a plurality of pull market segments in said secondary market, each of said pull market segments having at least one market participant, wherein each pull market segment is based on one or more push market segments defined by other market participants;" and "receiving a bid for one or more financial securities, said bid including one or more authorized market segments". It is not clear as to how the one or more authorized market segments are related to the plurality of pull market segments and the one or more push market segments. It is not clear as to what constitutes "one or more authorized market segments". It is not clear as to what the Applicants mean by "said bid including one or more authorized market segments". Did the Applicants mean "said bid related to one or more authorized market segments?"

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Finally it is not clear as to what is the nexus between the limitation “establishing a plurality of pull market segments in said secondary market, each of said pull market segments having at least one market participant, wherein each pull market segment is based on one or more push market segments defined by other market participants” and the remainder of the claim. Since there is no nexus between this limitation and the rest of the claim and since the step of establishing a plurality of pull market segments in said secondary market appears to be unrelated to the objective of processing bids involving financial securities in a secondary market (as recited in the preamble), the limitation is interpreted as non-functional descriptive material that does not further limit the claim. Hence the scope of the claim is unclear. Dependent claims are rejected by way of dependency on a rejected independent claim.

Appropriate correction is required. The rejections below are interpreted in light of the 112, second paragraph rejections above.

#### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-5, 17-18, 20-21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill et al. (US Patent 6,219,653 B1) in view of Gulati (US Patent 6,778,968 B1) and further in view of Gary (US Patent 6,618,707 B1).

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Claims 1, 17 and 32, O'Neill teaches a method, a system and an article of manufacture respectively for processing bids involving commodities in a market, the method comprising the steps of: establishing a plurality of pull market segments in said market, each of said pull market segments having at least one market participant, wherein each pull market segment is based on one or more push market segments defined by other market participants (See the entire disclosure of O'Neill particularly Column 2 lines 42-50, Column 10 lines 30-50, Column 11 lines 33-57, Column 22 lines 30-60); and receiving a bid for one or more commodities, said bid including one or more authorized market segments (See the entire disclosure of O'Neill particularly Column 3 lines 5-9, Column 11 lines 59-63).

O'Neill does not teach the features of commodities being financial securities in a secondary market; dividing by a processor said bid into a plurality of divided bids; posting by said processor each of said divided bids to one or more of said authorized market segments; and comparing by said processor each posted divided bid to other pending bids in one or more of said authorized market segments to identify pending bids that are in proximity to each divided bid.

Gulati teaches the features wherein the commodities are financial securities (See the entire disclosure of Gulati particularly Column 1 lines 34-60), the markets are secondary markets for financial securities (See the entire disclosure of Gulati particularly Figures 1, 3, Abstract) , dividing by a processor said bid into a plurality of divided bids (See the entire disclosure of Gulati particularly Figures 20-22, Column 9 lines 12-25); posting by said processor each of said divided bids to one or more of said

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authorized market segments (See the entire disclosure of Gulati particularly Figure 14, Column 16 line 60 – Column 17 line 6).

Both O'Neill and Gulati are concerned with the problem of processing transactions involving two parties. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature taught by Gulati to the invention of O'Neill. The motivation to combine is that parties to the transaction would have benefited from being able to communicate and negotiate other terms with each other before finalizing the transaction.

Gary teaches the step of comparing by said processor each posted bid to other pending bids in one or more of said authorized market segments to identify pending bids that are in proximity to each bid (See the entire disclosure of Gary especially Figures 4A-5B and associated portions of the specification, Column 16 lines 17-60, Column 17 line 1- Column 18 line 44).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature taught by Gary to the invention of O'Neill. The motivation to combine is that it helps in improving liquidity and assuring fair handling of orders (See Gary Column 4 lines 49-51)

Claims 2, and 18, O'Neill teaches the steps of preventing said bid from being posted to market participants not in said one or more authorized market segments (See O'Neill Column 11 lines 33-57, Column 13 lines 45-50, dissolving trading relationships and denying buy request include these features).

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Claims 4 and 20, Gulati teaches the step of establishing a communication channel between entities associated with two bids that are in proximity (See Gulati Column 23 lines 25-60).

Claims 5 and 21, Gary teaches the step wherein two bids are in proximity if they have parameters that are within a given threshold of each other (See the entire disclosure of Gary especially Column 19 line 47- Column 22 line 14, number of ticks is an example of the threshold).

### **Response to Arguments**

6. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are listed on the enclosed PTO-892.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles R. Kyle can be reached at (571) 272-6746. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Narayanswamy Subramanian/  
Primary Examiner  
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January 18, 2011